

Washington University Law Review

Volume 27 | Issue 1

January 1941

Review of “The Pardoning Power of the President,” By W. Humbert

Isidor Loeb
Olin Business School

Follow this and additional works at: https://openscholarship.wustl.edu/law_lawreview



Part of the [Law Commons](#)

Recommended Citation

Isidor Loeb, *Review of “The Pardoning Power of the President,” By W. Humbert*, 27 WASH. U. L. Q. 146 (1941).

Available at: https://openscholarship.wustl.edu/law_lawreview/vol27/iss1/6

This Book Review is brought to you for free and open access by the Law School at Washington University Open Scholarship. It has been accepted for inclusion in Washington University Law Review by an authorized administrator of Washington University Open Scholarship. For more information, please contact digital@wumail.wustl.edu.

THE PARDONING POWER OF THE PRESIDENT. By W. H. Humbert. Washington: American Council on Public Affairs, 1941. Pp. 142. \$2.50 cloth, \$2.00 paper.

This book is a good example of the valuable work of the American Council on Public Affairs in promoting the publication of monographic studies. Dealing with a specific provision of the Constitution, it also furnishes excellent evidence of the ways in which our organic law has been expanded through custom, legislation and judicial interpretation.

The fact that the Constitution gives to the President the pardoning power for offenses against the United States, except in cases of impeachment, is well known. There is, however, a general lack of knowledge regarding the extent of this power, the limitations upon it, the procedure followed in its exercise and the cases in which clemency may be extended by other than the President.

The author gives an historical account of the pardoning power in England, the colonies and the states, as a background for a consideration of the discussion of the power in the Constitutional Convention and in the ratifying conventions of the states. He then defines ten different types of clemency embraced under this power and distinguishes them from parole and probation which are derived from other sources.

The discussion of the constitutional and legal aspects of the pardoning power is based upon a careful analysis of the decisions of the Supreme Court in this field and a consideration of the Civil War controversy over the power of the President to grant an amnesty. The influence of English precedents is emphasized and the power of Congress to grant clemency and to confer such power upon officials other than the President, is explained. Attention is called to the desirability of clearing up the uncertainty, resulting from decisions of the Supreme Court, regarding the necessity for acceptance of unconditional clemency.

The chapters dealing with The Pardoning Process and Administrative Aspects are of particular value for the authoritative facts they contain with respect to these relatively unknown matters. The latter shows the results of careful and exhaustive research and includes tables and charts embodying facts relating to the actual exercise of the pardoning power for the period for which accurately recorded data are available. The concluding chapter contains an excellent summary and a critical analysis of the exercise of the pardoning power with suggestions for its better use.

ISIDOR LOEB.†

INTERNATIONAL LAW AND AMERICAN TREATMENT OF ALIEN ENEMY PROPERTY. By James A. Gathings. Washington: American Council on Public Affairs, 1940. Pp. xvi, 143. \$3.00 cloth, \$2.50 paper.

The half century inaugurated by the World War in 1914 seems certain to continue to be a period of far-reaching and basic revisions and readjust-

† Dean Emeritus, School of Business and Public Administration, Washington University.